NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
ZAMIRE J. COTTRELL	:	
Appellant	:	No. 3298 EDA 2024

Appeal from the Judgment of Sentence Entered July 15, 2024
In the Court of Common Pleas of Philadelphia County Criminal Division at No(s): CP-51-CR-0005494-2023

BEFORE: KUNSELMAN, J., NICHOLS, J., and SULLIVAN, J.

MEMORANDUM BY NICHOLS, J.: **FILED NOVEMBER 10, 2026**

Zamire Cottrell appeals from the judgment of sentence entered after his conviction of one count of unlawful contact with a minor for the purpose of facilitating sexual assault.[1] Appellant raises a challenge to the sufficiency of the evidence to establish the communicative element of the offense beyond a reasonable doubt. After careful review, we affirm Appellant's conviction for unlawful contact with a minor; however, we vacate the consecutive three-year probation term.

The trial court set forth the following factual history:

> On March 4, 2023, the Victim, H.E., [(the Victim)] and a group of friends attended a backyard concert in Yardley, Pennsylvania. While at the concert[, the Victim] and her friends met up with Appellant, who was the ex-boyfriend of one of [the Victim's] friends. [The Victim] testified that prior to the concert she knew

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[1] 18 Pa.C.S. § 6318(a)(1.2).

Appellant's name but did not personally know him. After about an hour at the concert the group, including [the Victim] and Appellant, left the concert. They then drove to a friend's aunt's house in Philadelphia for a party. On the way the group stopped at Appellant's house because A.H. and Appellant wanted to get condoms.

After arriving at the house in Philadelphia[,] the group began drinking vodka. One of [the Victim's] friends, S.P., got more intoxicated than others and became sick and eventually lost consciousness. The group put S.P. on her side on a bed in a bedroom near the front door. Another individual, [D.], also became sick and moved to the bathroom of the master bedroom. Over the course of the night [the Victim] went back and forth between the two rooms to check on S.P. and [D.] and to render assistance.

Two others present at the house that night, S.Z. and A.J., testified that they also rendered aid to S.P and [D.]. S.Z. additionally testified that they were going between the bedroom and master bathroom and left the bedroom door open for ease of access. S.Z. and A.J. both testified that [the Victim] was so intoxicated that she was barely able to walk and was repeatedly falling on the ground and falling into walls.

[The Victim] testified that during one of her trips between the master bathroom and the other bedroom Appellant entered the room with her. She testified that after Appellant came into the bedroom "the last thing I remember . . . seeing is the door . . . being shut." [The Victim] also stated that as Appellant closed the door she "was stepping towards it [but] it was shutting already, but [she] . . . never touched the door." [The Victim] testified that at no point did she touch the door to close or lock it.

[The Victim] testified that "next thing I remember is being faced down on the bed and . . . my legs dangling off of it. And then, I remember feeling my tampon being pushed into . . . I don't know like medical terms -- but like my cervix. Like, I could feel it being like pressed." [The Victim] testified that she did not remember any other specific physical or verbal contact with Appellant because she "was severely drunk." She also testified that she did not lay on the bed herself. The Victim stated that the only people in the room at the time were herself, Appellant, and the Victim's friend S.P., who was unconscious on the bed.

[The Victim] testified that at some point her clothing was removed. She stated that she did not remember removing her clothing, but she was no longer wearing her pants or underwear. She also testified that her "face was in the bed" and she kept "zoning out of it, because [of] . . . a mix of how late it was in the night, but also it was a mix of the alcohol." She stated that she "could only really focus on . . . the pain of it." She clarified that the pain was originating from her vagina.

S.Z. testified that during one of the trips between the bedroom and the master bedroom she "noticed that the door to the front room was shut. And [she] remembered leaving it opened so [they could] check in on [S.P.]. . . . And [she] went to open the door and it was locked." S.Z. then realized that she could not find [the Victim] or Appellant, so she picked the lock.

After picking the lock "the door slammed immediately." She then went to get two others, A.J. and A.H., and went back to that door and knocked. They then "picked the lock again [and] had to bust the door open because [Appellant] was keeping the door shut." During her testimony A.J. stated that after picking the lock it took all three of them pushing on the door in order to open it. S.Z. clarified that she knew Appellant was keeping the door shut "because he was yelling 'one moment, one moment, one moment. . . . '"

After eventually entering the room S.Z. testified that Appellant "didn't have pants on. [The Victim] was on the bed faced down." A.J. stated that as she entered the bedroom, she "saw [Appellant] holding [the Victim] down and [the Victim] was sobbing. And [A.J.] saw his bare butt from behind. His shorts were down to his ankles. . . . [H]is boxers was (sic) down. . . . . And, immediately, he slammed the door. . . . ." After A.J. and S.Z. entered the room, they helped [the Victim] "pull [her] pants up, because [she] couldn't do it."

Later that night [the Victim] gave a statement to Detective Carol Farrell of the Special Victims Unit. Detective Farrell testified that during this interview, [the Victim] stated that "at some point when [the Victim] tried to leave the room, [Appellant] had blocked her way." Detective Farrell also testified that in the statement [the Victim] said "the next thing she remember[ed] was that she was bent over the bed and her pants were down around -- were pulled

> down. [Appellant's] pants were down and he was trying to enter her vaginally. She said she repeatedly said no and how much that it hurt."

Trial Ct. Op., 5/5/25, at 3-5 (citations omitted and some formatting altered).

The Commonwealth charged Appellant with one count each of rape by forcible compulsion, sexual assault, corruption of minors, unlawful contact with a minor, indecent assault, unlawful restraint, false imprisonment, indecent exposure, and simple assault.[2] Following trial, the jury convicted Appellant of unlawful contact with a minor and acquitted Appellant of all other charges. On July 15, 2024, the trial court imposed a sentence of four to ten years' incarceration, to be followed by three years' probation.

That same day, Appellant filed a post-sentence motion and later filed a supplemental post-sentence motion. Both motions were denied by operation of law on November 14, 2024 pursuant to Pa.R.Crim.P. 720(B)(3). On December 5, 2024, Appellant timely filed a notice of appeal. Both Appellant and the trial court complied with Pa.R.A.P. 1925.

Appellant raises the following issues on appeal:

1. Whether the evidence presented at trial failed to prove the element of "contact with a minor" beyond a reasonable doubt[,] considering the recent Pennsylvania Supreme Court decision of ***Commonwealth v. Strunk***, 325 A.3d 530 (Pa. 2024), and therefore, the verdict was insufficient to support Appellant's conviction?

2. Whether the [trial] court imposed an unlawful sentence as the Appellant was only convicted of Unlawful Contact with a Minor (18 Pa. C.S. 6318(a)(l)), a felony of the second degree with a statutory

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[2] 18 Pa.C.S. §§ 3121(a)(1), 3124.1, 6301(a)(1)(i), 6318(a)(1.2), 3126(a)(2), 2902, 2903, 3127, and 2701, respectively.

> maximum of ten (10) years, but sentenced the Appellant to four (4) years to (10) years in a State Correctional Institution AND a consecutive three year period of probation, considering the Appellant was not convicted of an offense under section 42 Pa. C.S. § 9799.14(d) where the consecutive probationary period would only have been lawfully imposed under 42 Pa. C.S. § 9718.5(a).
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> 3. Whether the trial court erred in not instructing the jury that "consent" was a defense to the crime of Unlawful Contact with a Minor (18 Pa. C.S. § 6318) despite the request and objection made by trial counsel?

Appellant's Brief at 9-10 (some formatting altered).

Sufficiency of Evidence for Communicative Element for Unlawful Contact with a Minor

In his first issue, Appellant contends that the Commonwealth failed to prove the element of "contact with a minor" beyond a reasonable doubt consistent with ***Commonwealth v. Strunk***, 325 A.3d 530 (Pa. 2024). Specifically, Appellant argues that the evidence was insufficient to prove that he communicated with the Victim for the purpose of facilitating a sexual assault, because he did not speak to the Victim, nor did he take any actions to communicate with her. Appellant's Brief at 17, 20–22.

Our standard of review for challenges to the sufficiency of the evidence is well established as follows:

> Because a determination of evidentiary sufficiency presents a question of law, our standard of review is *de novo* and our scope of review is plenary. In reviewing the sufficiency of the evidence, we must determine whether the evidence admitted at trial and all reasonable inferences drawn therefrom, viewed in the light most favorable to the Commonwealth as verdict winner, were sufficient to prove every element of the offense beyond a reasonable doubt. The facts and circumstances established by the Commonwealth need not preclude every possibility of innocence. It is within the province of the fact-finder to determine the weight to be accorded

> to each witness's testimony and to believe all, part, or none of the evidence. The Commonwealth may sustain its burden of proving every element of the crime by means of wholly circumstantial evidence. Moreover, as an appellate court, we may not re-weigh the evidence and substitute our judgment for that of the factfinder.

Commonwealth v. Palmer, 192 A.3d 85, 89 (Pa. Super. 2018) (citation omitted and some formatting altered).

Section 6318 makes it a crime to be "intentionally in contact with a minor . . . for the purpose of engaging in an activity prohibited under" the statutes enumerated therein. ***See*** 18 Pa.C.S. § 6318(a). It is well established that "Section 6318 is intended to criminalize and punish communication designed to induce or otherwise further the sexual exploitation of children." ***Strunk***, 325 A.3d at 543. Accordingly, the statute defines "contact," in relevant part, as "direct or indirect contact or communication by any means." ***See*** 18 Pa.C.S. § 6318(c). Preliminarily, we note that because Appellant only challenged the "contact" element of 18 Pa.C.S. § 6318, we need not address any of the other requirements of the statute. ***See*** Appellant's Brief at 20-32; ***see also Commonwealth v. Cain***, 906 A.2d 1242, 1244 (Pa. Super. 2006) (limiting a sufficiency analysis to the element of the crime appellant specifically challenged and declining to analyze the other elements). Further, the record clearly supports that the Victim was a minor at the time of the incident. ***See*** N.T., Trial, 3/13/24, at 34 (establishing that the Victim was seventeen years of age at the time of trial and that the incident occurred in

March of 2023); ***see also*** 18 Pa.C.S. § 6318(c) (defining minor as "[a]n individual under 18 years of age").

Indeed, our Supreme Court's analysis in ***Strunk*** confirms that the "contact" element requires "proof that the defendant engaged in some verbal or nonverbal communication with the minor for the purposes of sexual contact beyond physically approaching the minor and the physical contact of the sexual act itself." ***See Strunk***, 325 A.3d at 542, 544-45. The ***Strunk*** Court cautioned lower courts to not "read the communication requirement out of the statute," that is, to determine "how such conduct was communicative" and, therefore, the type of contact contemplated in the statute. ***See id***. at 543. Our Supreme Court ultimately determined that the physical contact in ***Strunk*** did not constitute "contact" under Section 6318, noting that this Court had failed to explain how the physical contact amounted to communication. ***See id.***

This Court has repeatedly acknowledged that nonverbal communication, including physical contact, can constitute "contact" under Section 6318. ***See, e.g., Commonwealth v. Velez***, 51 A.3d 260, 267 (Pa. Super. 2012); ***see also Strunk***, 325 A.3d at 543 (rejecting the Commonwealth's argument based on ***Velez*** but declining to address "the propriety of ***Velez***'s explicit reasoning," because the evidence in ***Strunk*** negated any inference that the defendant communicated with the victim).

In ***Velez***, a prior panel of this Court concluded there was sufficient evidence, in addition to the contact necessary to commit the intended sexual

offense, to infer that the defendant had "contact" with the victim as required by Section 6318(a). ***See Velez***, 51 A.3d 260 at 267. The "contact" in ***Velez*** was inferred based on the circumstantial evidence of the victim's mother finding the defendant assaulting the victim, who "had her pants removed and her knees [] in the air." ***Id.*** The ***Velez*** Court concluded that "the victim would not have had her pants removed and her legs in that position absent previous contact by [the defendant], either verbal **or physical**[, and that] it is reasonable to infer that [the defendant] directed the victim, either verbally or nonverbally, to unclothe below the waist and to assume that pose." ***Id.*** (emphasis added). The ***Strunk*** Court distinguished ***Velez*** in two ways. As stated above, the ***Strunk*** Court rejected the Commonwealth's argument based on ***Velez*** regarding an inference of communication because the victim in ***Strunk*** testified that the defendant removed her clothing without any form of communication while she feigned sleep. ***See Strunk***, 325 A.3d at 543. Further, the ***Strunk*** Court rejected that the physical contact under the circumstances present in that case constituted communication. ***See id.*** at 542-43. However, that conclusion did not foreclose that physical contact could be communicative[3] as the ***Strunk*** court, in distinguishing ***Velez***, cited the

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[3] The ***Strunk*** court distinguished between "inappropriate touching of minors," which is criminalized under other statutes, from "[a]ny communication that is intended to further the commission of one of the crimes" enumerated in the statute. ***See Strunk***, 325 A.3d at 542. Recognizing that physical contact can be communicative, the ***Strunk*** Court's holding required physical contact to constitute communication with the minor to further the sexual exploitation
(Footnote Continued Next Page)

victim's testimony that she was feigning sleep[4] while the defendant manipulated her clothing and noted this Court's failure to explain how the manipulation of the victim's clothing while she pretended to be asleep could be communicative. ***See id.***

Additionally, in ***Commonwealth v. Kovack***, a prior panel of this Court found sufficient evidence to sustain a conviction for unlawful contact with a minor because the defendant "nonverbally communicated to [the child] that she must submit to his unwanted touching of her private parts." ***Commonwealth v. Kovack***, 1127 WDA 2022, 2023 WL 4842389, at *5 (Pa. Super. filed July 28, 2023) (unpublished mem.).[5] The "contact" in ***Kovack*** was the defendant's physical act of pulling the victim closer to him when she attempted to "scoot away from him." ***Id.*** The ***Kovack*** Court concluded that "[i]n doing so, [the defendant] communicated that the assault was going to continue, and [the victim] needed to position herself closer to him." ***Id.***

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and for that physical contact to be distinct from the contact necessary to commit the sexual offense. ***See id.*** at 543.

[4] In ***Commonwealth v. Leatherby***, this Court concluded that there was insufficient evidence of contact where the defendant repeatedly entered one of the victim's rooms while she was sleeping to grope the victim's chest and buttocks, without any other communication. ***See Commonwealth v. Leatherby***, 116 A.3d 73, 79-80 (Pa. Super. 2015). As noted by ***Leatherby***, in order to sustain a guilty verdict for this statute, the victim must be able to receive the message, either verbal or non-verbal, that the defendant is communicating. ***See Leatherby***, 116 A.3d at 79-80.

[5] This Court's unpublished memoranda filed after May 1, 2019 may be cited as persuasive authority. Pa.R.A.P. 126(b).

Further, in ***Leatherby***, this Court concluded that the evidence was sufficient to sustain a conviction for unlawful contact with a minor as to one of the victims where the "contact" was the defendant's failure to answer a knock on the bathroom door, causing the victim to walk in on him while he was naked. ***Leatherby***, 116 A.3d at 80-81. The ***Leatherby*** Court concluded that "there was sufficient evidence to support the conviction of unlawful contact with respect to" that victim because the defendant "engaged in nonverbal communication with [that victim] for the purposes of sexual contact." ***Id.*** at 81.

Here, the trial court explained:

> The contact at issue was non-verbal and communicative. It was the testimony of multiple witnesses that the door to the bedroom had been open throughout the night so those at the party could come and go to check on S.P. [The Victim] testified that she was repeatedly going back in forth between rooms to check on S.P. and [D.], who was located in a different room. During one of these trips when she went back to check on S.P., Appellant entered the room with her and closed the door. Further, in the interview with Detective Farrell [the Victim] stated that "when she tried to leave the room, [Appellant] had blocked her way." N.T. Trial, 3/14/24, at 180. While there is no testimony Appellant made any verbal communications to [the Victim], and in fact [the Victim] testified that she could not remember any verbal communication, she did testify that Appellant closed the door as she took a step toward the door and blocked her way out of the bedroom. Appellant also took the additional step of locking the door. These actions themselves are communicative. Closing the door as another takes a step towards it indicated to that person that they are not free to leave the room. [The Victim] was moving between the rooms to check on S.P. and D. and the action of closing the door conveyed the message to [the Victim] that she was to remain in that bedroom. This communication was clearly perceived by the Victim as illustrated by [the Victim] remaining in the room. The act of closing the door by Appellant therefore communicated to [the

> Victim] that she was not immediately free to leave the room and facilitated the underlying sexual exploitation as found by the jury.

Trial Court Op., 5/5/25, at 9-10 (formatting altered).

We agree with the trial court's analysis and conclude that the Commonwealth met its burden and satisfied the "contact" requirement of Section 6318 by presenting evidence of direct and indirect communication. Here, the Victim testified that, before the incident, she had been checking on two overly intoxicated friends in separate rooms. ***See*** N.T. Trial, 3/13/24, at 46-47. Immediately before the incident, the Victim attempted to exit the bedroom that she was in, but Appellant closed and locked the door as she attempted to leave. ***See id.*** at 46-47, 51-52, 71-72. The Victim explained that, before the door was closed by Appellant, she had gone through the open doorway multiple times to check on one of her friends in the bathroom. ***See id.*** at 46-47.

Accordingly, the evidence supports communication between Appellant and the Victim that satisfy the "contact" requirement of Section 6318. Appellant's act of closing and locking the door as the Victim attempted to leave the room was Appellant's indirect nonverbal communication with the Victim. Specifically, the closing and locking of the door communicated to the Victim that she was not free to leave the room.[6] ***See Leatherby***, 116 A.3d at 80-

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[6] Clearly, locking a person in a room communicates that they are not free to leave and, ultimately, it is the communicative aspect of the contact that is relevant, not whether the contact is verbal communication or whether the victim is already in the place where the assault is to occur. ***See Strunk***, 325

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81 (explaining that a failure to answer a knock on the door was communicative); ***Kovack***, 2023 WL 4842389, at *5 (concluding that the physical act of pulling the victim in closer was communicative).

Based upon the foregoing, and after drawing all reasonable inferences in the light most favorable to the Commonwealth as the verdict winner, we conclude that the evidence was sufficient for a jury to find every element of unlawful contact with a minor beyond a reasonable doubt and, accordingly no relief is due. ***See Palmer***, 192 A.3d at 89.

Illegal Sentencing Claim

Appellant argues in his second issue that the trial court imposed an illegal sentence for unlawful contact with a minor under Pa.C.S. § 6318(a), graded as a second-degree felony and a Tier II sexual offense, with a statutory maximum of ten years, because the trial court unlawfully extended the sentence with a three-year consecutive probation period. Appellant's Brief at 33-34. Appellant argues that the case should be remanded to the trial court for resentencing. ***See id.*** Further, the Commonwealth agrees that the consecutive three-year probation sentence should be vacated. ***See*** Commonwealth's Brief at 2,18-20.

A.3d at 542-43 (explaining that contact can be verbal or nonverbal communication and the relevant consideration is how the contact was communicative); 18 Pa.C.S. § 6318 (defining contacts to include "[d]irect or indirect contact or communication **by any means**" (emphasis added)).

The trial court, in its opinion, concluded that the four-to-ten-year term of incarceration for unlawful contact with a minor was within the statutory maximum. ***See*** Trial Ct. Op., 5/5/25, at 12. It acknowledged, however, that the offenses subject to the mandatory three-year consecutive probationary term under 42 Pa.C.S. § 9799.14(d) are Tier III sexual offenses, and that Appellant's conviction for unlawful contact with a minor is a Tier II sexual offense under 42 Pa.C.S. § 9799.14(c). ***See id.*** Accordingly, the trial court requested that this Court remand this case for resentencing consistent with ***Commonwealth v. Verma***, 334 A.3d 941, 952 (Pa. Super. 2025) ("[B]ecause unlawful contact with a minor is not a crime enumerated in 42 Pa.C.S. § 9799.14(d), we are constrained to vacate the three-year probationary term for unlawful contact with a minor imposed pursuant to 42 Pa.C.S. § 9718.5(a) because that statute does not apply to this offense"). ***See id.*** We agree that the three-year probationary term should be vacated because unlawful contact with a minor is not a crime enumerated within 42 Pa.C.S. § 9718.5(a). ***See Verma***, 334 A.3d at 952.

Because we affirm Appellant's judgment of sentence for unlawful contact with a minor in all other respects, we need not remand for re-sentencing, as our disposition does not alter the trial court's sentencing scheme. ***See id.***; ***see also Commonwealth v. Thur***, 906 A.2d 552, 569-70 (Pa. Super. 2006) (explaining that an appellate court need not remand for resentencing when it can vacate illegal sentence without upsetting trial court's overall sentencing scheme).

Denial of Requested Consent Jury Instruction

In his final issue, Appellant contends that the trial court erred in not instructing the jury that consent was a defense to the crime of unlawful contact with a minor. ***See*** Appellant's Brief at 35. Specifically, Appellant contends that because Appellant was convicted of unlawful contact with a minor for the purpose of facilitating a sexual assault, "the Commonwealth had the burden of producing a sufficient amount of evidence for all of the elements of [unlawful contact with a minor] AND the elements of the sexual assault statute." ***Id.*** (emphasis in original).

In reviewing a challenge to jury instructions,

> our scope of review is to determine whether the trial court committed a clear abuse of discretion or an error of law which controlled the outcome of the case. A jury charge will be deemed erroneous only if the charge as a whole is inadequate, not clear or has a tendency to mislead or confuse, rather than clarify, a material issue. A charge is considered adequate unless the jury was palpably misled by what the trial judge said or there is an omission which is tantamount to fundamental error. Consequently, the trial court has wide discretion in fashioning jury instructions.

Commonwealth v. Thomas, 904 A.2d 964, 970 (Pa. Super. 2006) (citations omitted); ***see also Commonwealth v. Sattazahn***, 952 A.2d 640, 668 n.20 (Pa. 2008) (noting that trial courts have wide latitude when crafting jury instructions). We have defined abuse of discretion as "a conclusion [that] overrides or misapplies the law, or where the judgment exercised is manifestly unreasonable, or the result of partiality, prejudice, bias, or ill will." ***Commonwealth v. Patterson***, 180 A.3d 1217, 1227 (Pa. Super. 2018)

(citations omitted). We may reverse for a failure to provide a requested jury instruction only if the trial court's refusal to provide a requested jury instruction results in prejudice to the appellant. ***Commonwealth v. Sow***, 333 A.3d 698, 702 (Pa. Super. 2025).

Contrary to Appellant's argument, "[b]ecause the [unlawful contact with a minor] statute defines the offense of [unlawful contact with a minor] for the purposes of engaging in any of the offenses enumerated in Chapter 31, and not committing or violating any of the offenses in Chapter 31, there is no predicate conviction required for the [unlawful contact with a minor] offense." ***Commonwealth v. Reyes***, 350 A.3d 988, 1003 (Pa. Super. 2025), *appeal denied*, ---A.3d---, 2026 WL 2639131 (Pa. filed Sept. 8, 2026) (citations omitted and formatting altered). It is well settled that lack of consent is not an element of the unlawful contact with a minor statute. ***See*** 18 Pa.C.S. § 6318(a).

Here, the trial court reached the following conclusion:

> [I]t is the communicative contact itself that is a violation of Section 6318. Moreover, a defendant need not be successful in completing the purpose of his communication with a minor in order to be convicted of unlawful contact with a minor. [***See Commonwealth v. Reed***, 9 A.3d 1138, 1146 (Pa. 2010).] Therefore, once there have been any communicative contacts for the purpose of engaging in an activity prohibited under the statute, Section 6318 has been violated. As it is of no moment whether the underlying offense occurs, or is consented to, consent is not an appropriate defense to unlawful contact with a minor. Furthermore, consent was not raised as a defense by Appellant in the instant matter. During a deliberation to respond to the jury's question, Defense counsel stated that "[c]onsent is not an issue in this case. . . ." N.T. Trial, 3/15/24, at 76.

Trial Ct. Op., 5/5/25, at 13-14 (formatting altered).

Based on our review of the record, we find no abuse of discretion in the trial court's refusal to provide a consent instruction to the jury relating to the unlawful contact with a minor charge. ***See Thomas,*** 904 A.2d at 970; ***Patterson***, 180 A.3d at 1227. It is axiomatic that consent, or lack thereof, is not an element of the unlawful contact with a minor statute. ***See*** 18 Pa.C.S. § 6318(a). Accordingly, Appellant has failed to establish that the requested instruction was relevant to establishing the offense, much less that the refusal to issue the instruction was prejudicial. ***See Sow***, 333 A.3d at 702. Appellant, therefore, is not entitled to relief.

Conclusion

For these reasons, we affirm Appellant's conviction for unlawful contact with a minor, we vacate the three-year term of probation, and we affirm Appellant's judgment of sentence in all other respects.

Judgment of sentence affirmed in part, and vacated, in part. Jurisdiction relinquished.

Judge Sullivan joins the memorandum.

Judge Kunselman files a dissenting memorandum.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/10/2026